



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.
Secretary

ARLEEN O'DONNELL
Commissioner

**REVISIONS TO THE
MASSACHUSETTS HAZARDOUS WASTE
MANIFEST REGULATIONS**

PUBLIC HEARING DRAFT

- Revisions to 310 CMR 30.000

October 2006

*Prepared by: The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
Bureau of Waste Prevention
Business Compliance Division*

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>



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October 16, 2006

Dear Citizen:

I am pleased to send you this copy of the public hearing draft of proposed regulations that would revise existing hazardous waste manifest requirements.

The Department is interested in receiving your comments and suggestions on how it can most effectively implement these new regulations. I hope that you will review this proposal and submit comments. We are holding six public hearings during the week of November 13, 2006. Written comments may be submitted until December 1, 2006.

Please contact James Paterson at (617) 556-1096 if you have any questions. We hope you can attend and look forward to receiving your input.

Very truly yours,

James C. Colman
Assistant Commissioner
Bureau of Waste Prevention

Department of Environmental Protection Program Notice

Notice is hereby given that the Massachusetts Department of Environmental Protection ("MassDEP"), acting in accordance with the provisions of M.G.L. c. 21C §§ 4 and 6 (the Hazardous Waste Management Act) will hold six public hearings at the times and places set forth below. These proposed regulations would revise existing hazardous waste manifest regulations. Public hearings will be conducted under the provisions of M.G.L. Chapter 30A on:

Monday, November 13, 2006 - Boston - 9:30 a.m.
Department of Environmental Protection
One Winter Street, 4th Floor

Tuesday, November 14, 2006 - Lakeville - 10:00 a.m.
Department of Environmental Protection, Southeast Regional Office
20 Riverside Dr., 1st Floor Conference Room

Tuesday, November 14, 2006 - Springfield - 10:00 a.m.
Department of Environmental Protection, Western Regional Office
436 Dwight St., Room 517

Tuesday, November 14, 2006 - Wilmington - 9:00 a.m.
Department of Environmental Protection, Northeast Regional Office
205B Lowell St., Conference Room A and B

Thursday, November 16, 2006 - Boston - 3:00 p.m.
Department of Environmental Protection
One Winter Street, 2nd Floor, Atlantic Room

Friday, November 17, 2006 - Worcester - 10:00 a.m.
Department of Environmental Protection, Central Regional Office
627 Main St., Concord Room

Testimony may be presented orally and/or in writing at the public hearings. The period for accepting written comments will remain open until 5 p.m. on December 1, 2006. Submit to: MassDEP, Business Compliance Division, c/o James Paterson, One Winter St., 8th Floor, Boston, MA 02108. Copies of the proposed regulations can be obtained at one of the Service Centers at each of MassDEP's four regional offices; by contacting James Paterson at (617) 556-1096; or by accessing MassDEP's web site at www.state.ma.us/DEP under "Public Hearings."

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1.0 Introduction

MassDEP is proposing to adopt the new U.S. Environmental Protection Agency (EPA) manifest regulations that went into effect on September 5, 2006. Many of these revisions, such as the new standardized manifest form, will be adopted as they appear in the federal regulations. Other provisions, such as manifest copy distribution instructions, will be modified in order to fit within the existing hazardous waste manifest provisions at 310 CMR 30.000.

2.0 Background

For more than 20 years, hazardous waste generators and transporters have been required to use the hazardous waste manifest system. The manifest form provides a complete paper trail of a waste's progress from "cradle to grave": from the generator through treatment, storage and disposal. It identifies the type and quantity of the hazardous waste being shipped, and contains a generator's certification of waste minimization practices. Each waste handler must return a copy of the manifest to the generator. A missing form alerts a generator to investigate and find the waste. If the waste cannot be found, then the generator notifies MassDEP for appropriate action.

EPA has amended the federal regulations for hazardous waste generators and transporters in 40 CFR Parts 262-263. Related requirements for owners and operators of treatment, storage, and disposal facilities in Parts 264-265 have also been affected, along with state requirements in Part 271. Corresponding sections in 310 CMR 30.000 are now being amended, as described below.

3.0 Summary of New EPA Manifest Rule

In 2005, EPA revised the hazardous waste tracking system by standardizing the Uniform Hazardous Waste Manifest form. The new 6-part manifest form was designed to streamline the waste handling process and reduce regulatory paperwork. Effective September 5, 2006, the national hazardous waste manifest forms:

- became standardized in content and appearance
- enhance reporting of international waste shipments (imports and exports)
- are available from a wide range of sources, and
- clarify processing procedures for rejected waste shipments and shipment container residues

The new federal system reduces or eliminates many of the variabilities in state manifest requirements. For example, the new manifest form uses check boxes and adds fields to provide a more consistent approach to tracking "difficult" shipments, such as container residues, rejected wastes, and trans-boundary shipments.

The new manifest forms will be printed according to a precise specification to assure uniformity. Each form will carry a unique preprinted manifest tracking number. This change allows waste handlers with multi-state operations to register and use their own manifest forms everywhere they do business. EPA will continue its oversight of the registration process. The same manifest form will be used in all 50 states beginning on September 5, 2006.

3.1 Changes to Uniform Hazardous Waste Manifest Form

The federal rule revises the Uniform Hazardous Waste Manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator's site to the site of disposition. The revisions standardize the content and appearance of the manifest form (EPA form 8700-22) and continuation sheet (EPA form 8700-22a). The new rule also makes these forms available from a greater number of sources and adopts new procedures for tracking certain types of waste shipments with the manifest. These shipments include hazardous wastes that destination facilities reject, wastes consisting of residues from non-empty hazardous waste containers, and wastes entering or leaving the United States.

The revisions to the manifest form include removal or consolidation of "state optional" information from the Uniform Manifest form. Item A (State Manifest Document Number) has been removed, as this is to be pre-printed on forms. Item B (State Generator's ID) has been consolidated within the EPA ID field. Items C through F (Transporter ID and Phone) has been removed. Item G (State Facility's ID) has also been removed. Item H (Facility's Phone) has been made mandatory in the new Designated Facility's Name and Site Address field.

Item I (RCRA Waste Codes) is standardized and expanded to include more waste codes. Items J and 15 are combined to create the new Item 14 – Special Handling Instructions and Additional Information. States will no longer be able to require state-specific information in this area. Item K (Handling Codes) is revised and standardized in the new mandatory field Item 19 – Hazardous Waste Report Management Method Codes. This corresponds with the final disposition of the waste by the designated facility. New data elements include adding a Generator Site Address field, an Emergency Response Telephone number field, and an International Shipments field. The space for recording RCRA waste codes and Discrepancies is also expanded.

The rule also adds requirements to 40 CFR 271.10 that emphasize the necessity for consistency in the use of the revised manifest form. One key addition is that States may require the entry of State waste codes that apply to State-specific hazardous wastes. States may not require entry of waste codes that are redundant with Federal codes. States also cannot impose enforcement sanctions on a transporter during transportation of a shipment for failure to include a state-required waste code on the form. It is the generator's responsibility to ensure the manifest is correct. Both the consignment State and the generator State retain the authority to request that copies of the manifest form be submitted to the State.

To see the *Federal Register* notice and the new regulations in their entirety, go to:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-1966.pdf>

4.0 Enforcement of the Federal Manifest Rule in Massachusetts

The new manifest rule went into effect and applies uniformly in all states as of September 5, 2006. In Massachusetts, it will be enforceable by USDOT on September 5, 2006 and by MassDEP only after Massachusetts adopts the new rules. MassDEP will enforce the new rules upon promulgation. EPA will enforce the new rule after MassDEP adopts and receives authorization for the rule from EPA.

MassDEP's existing electronic monthly operating report (EMOR) requirement for transporters at 310 CMR 30.407 will remain in effect, regardless of when the proposed state manifest rule becomes final. While the new manifest is compatible with the current version of EMOR software, new software is being developed that will include a template that more closely reflects the new manifest.

5.0 Requests for Comment

MassDEP is adopting much of EPA's rule by reference, however certain sections are being proposed with modifications related to the following issues:

5.1 Existing Eight, Four and Two-Part Manifests Regulations: Under this proposal, generators currently subject to eight, four and two-part manifests will be required to use a six-part form.

Type of Generator/Waste	MassDEP Manifest Requirements		Proposed Distribution Requirements	Copies Received by MassDEP	
	Existing	Proposed		Existing	Proposed
SQG of HW	Eight-part	Six-part	Use/distribute all six copies [*]	4 ^{**}	1
LQG of HW	Eight-part	Six-part	Use/distribute all six copies [*]	4 ^{**}	1
VSQG of HW (in-state)	Four-part	Six-part	Use/distribute five of six copies	0	1
VSQG of HW or Waste Oil (out-of-state)	Eight-part	Six-part	Use/distribute five of six copies	4 ^{**}	1
Intra-state shipments of Waste Oil by a VSQG, SQG or LQG	Four-part	Six-part	Use/distribute five of six copies	0	1
Wastes subject to a tolling agreement	Two-part	Six-part	Use/distribute two of six copies	0	0

* Generators of shipments going out-of state will be required to photocopy and mail Copy 3 of the manifest to MassDEP within 14 days of receiving it from the designated facility. In some cases, MassDEP may receive more than one copy.

** Four copies currently received by MassDEP for out of state shipments; two for in-state.

5.2 Copy Distribution Requirements. Along with the requirement for generators to use a six-part manifest, MassDEP is also proposing state-only copy distribution requirements. The key provision would require generators of shipments going out-of state to photocopy and mail Copy 3 of the manifest to MassDEP within 14 days of receiving it from the designated facility. MassDEP is proposing this requirement because with the new federal manifest form, it must rely on out-of-state facilities to send Copy 2 to MassDEP (the generator state). This proposal addresses some of the difficulties associated with enforcing requirements against out-of-state facilities, and ensures that MassDEP will receive a fully executed copy of the manifest for out-of-state shipments.

MassDEP is also proposing that for shipments by VSQGs and intrastate shipments of waste oil, only five of the six copies need to be distributed. See proposed 310 CMR 30.315.

Similarly, in place of the two-part manifest currently used for waste reclaimed pursuant to a contractual agreement, MassDEP is proposing that only two of the six parts need to be distributed. See proposed 310 CMR 30.314.

These state-only requirements would be implemented to ensure that completed manifest copies remain available to MassDEP's inspectors and the transporter fees program. MassDEP requests comments on these and other manifest copy distribution requirements at 310 CMR 30.310-30.317 and 30.500.

5.3 Returning Rejected Loads. MassDEP is proposing to adopt EPA's rule that allows rejected loads (e.g. shipments that have been off-loaded, signed for on a manifest, and then rejected by a designated facility) to be returned to the generator. EPA's rule also allows generators to reset their accumulation clock after receiving rejected shipments. MassDEP welcomes comments on these provisions. See 310 CMR 30.340, 30.351 and 30.353.

MassDEP is also requesting comment on how long Treatment, Storage and Disposal facilities (TSDs) should be allowed to hold a rejected shipment. EPA allows 60 days, which MassDEP is also proposing at 310 CMR 30.533(4)(a).

5.4 Proposed Miscellaneous Amendments

In addition, the Department is proposing several minor, miscellaneous revisions, including a change to the hazardous waste regulations at 310 CMR 30.853(1), License Denial, Suspension or Revocation. The amendment adds language to clarify the issue to be adjudicated in cases where a license denial, suspension or revocation is subject to an adjudicatory proceeding filed pursuant to M.G.L. c.21C, c.30A and 310 CMR 1.00. See page 36.

6.0 Proposed Manifest Regulations

10/12/2006

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 30.000: HAZARDOUS WASTE

Section

GENERAL PROVISIONS

30.001: Authority.....

30.300: REQUIREMENTS FOR GENERATORS OF HAZARDOUS WASTES

30.301: Purpose, Scope, and Applicability

30.302: Determination of Whether a Waste is Hazardous

30.303: Requirements Governing Notification, Identification Numbers, and Change of Status Requests

30.304: Offering Hazardous Wastes for Transportation

30.305: Destination of Hazardous Waste or Regulated Recyclable Material Sent Off-site

30.310: THE MANIFEST

30.311: General Requirements

30.312: Form of the Manifest

30.313: Number and Distribution of Copies for ~~Eight~~Six-part Manifest ([EPA form 8700-22](#))

~~30.314: Use of the Eight-part Manifest~~

30.314: ~~Two-Part~~ Manifest ~~Distribution~~ Requirements for Waste ~~reclaimed~~Reclaimed Pursuant to a Contractual Agreement

30.316: ~~Four-Part~~Manifest Distribution Requirements for ~~w~~Intrastate Shipments of Waste Oil, Very Small Quantity Generators, Wastes Sent to Research Demonstration and Development Facilities, and Research Study Waste, ~~and Intra-state Shipments~~

30.316: Manifest Tracking Numbers, Manifest Printing and Obtaining Manifests

30.317: Waste Minimization Certification

30.320:.....

30.530: MANIFEST SYSTEM

30.531: Applicability

30.532: Use of the Manifest System

30.533: Manifest ~~Discrepancies~~Discrepancies

30.534: Unmanifested Waste Report

30.535: Waste Generated and Delivered by Very Small Quantity Generators

30.536: ~~Two-part~~ Manifest Requirements for Waste Recycled Pursuant to a Contractual Agreement

30.540: RECORDKEEPING AND REPORTING

30.541: Applicability

.....

30.010: Definitions

As used throughout 310 CMR 30.000, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

Aboveground Tank means a device meeting the definition of a tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected. Where a double-walled tank is used, the entire surface area of the outer wall must be completely above the surrounding surface and be able to be visually inspected.

Accidental Occurrence means.....

Loading Rate means.....

Manifest means the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), originated and signed by the generator or offeror in accordance with the instructions in the Appendix to 40 CFR part 262 and the applicable requirements of 40 CFR parts 262 through 265, as in effect on July 1, 2006. ~~the Department approved form used as a shipping document to identify the quantity, composition, and the origin, routing and destination of hazardous waste from the site of generation to the point of disposal, treatment or storage, or use.~~

~~Manifest Document Number means the unique five digit document number assigned to the Manifest by the generator for recording and reporting purposes.~~

Manifest tracking number means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is pre-printed in Item 4 of the Manifest by a registered source.

Massachusetts Hazardous Waste Number means.....

30.106: Exemption for Residues of Hazardous Waste in Empty Containers and Tanks

(1).....

(2) Definition of Empty.

(a) A container or an inner liner removed from a lined container that has held any hazardous material or hazardous waste, except a waste that is a compressed gas or that is listed or otherwise described in 310 CMR 30.136, is empty if:

1. all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and
2. no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner; or

3. no more than 3% by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 1109 gallons in size, or
 4. no more than 0.3% by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 1109 gallons in size.
- (b) A container that has held a hazardous material or hazardous waste that is a compressed gas is empty when the pressure in the container is substantially at atmospheric pressure.
- (c) A container or inner liner removed from a lined container that has held a hazardous waste listed or otherwise described in 310 CMR 30.136 is empty if:
1. the container

30.253: Generator Standards Governing Waste Oil and Used Oil Fuel

(1) All generators of waste oil and all generators of used oil fuel: 30.253: Generator Standards Governing Waste Oil and Used Oil Fuel

(f) may sell or otherwise transfer off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222), or contract to sell or otherwise transfer off-specification used oil fuel, or cause or allow off-specification used oil fuel to be transported off the site of generation, only to either:

1. a facility described in 310 CMR 30.305, or
2. a facility that has a Class B(3) permit pursuant to ~~310 CMR 30.264 or~~ 310 CMR 30.268, or
3. a marketer authorized pursuant to 310 CMR 30.255.

(g).....

(2).....

(10) Persons who generate and accumulate waste oil or off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222) in quantities entitling them to the status of either a Small Quantity Generator pursuant to 310 CMR 30.351 or a Very Small Quantity Generator pursuant to 310 CMR 30.353, and who generate and accumulate all other regulated recyclable materials and all other hazardous wastes in quantities entitling them to the status of a Very Small Quantity Generator pursuant to 310 CMR 30.353 need not handle such waste oil or off-specification used oil in compliance with 310 CMR 30.253(9), and instead shall cause such waste oil or off-specification used oil fuel to be handled in compliance with the following requirements:

(a) Generators subject to 310 CMR 30.253(10) shall register with

(b) Generators subject to 310 CMR 30.253(10) shall cause waste oil or off-specification used oil fuel, when it is collected and transported, to be accompanied by a hazardous waste manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of copies of manifests. ~~or by a shipping paper filled out, signed and handled in compliance with 310 CMR 30.223(4) and (5).~~ Generators subject to 310 CMR 30.253(9) shall notify the Department and obtain a DEP identification number pursuant to 310 CMR 30.060 through 30.064.

30.305: Destination of Hazardous Waste or Regulated Recyclable Material Sent Off-site

A generator sending hazardous waste or regulated recyclable material off the site of generation shall send such waste or material only to the following facilities or persons:

(1) Except as specifically provided otherwise in 310 CMR [30.305\(1\)\(d\)](#) or 30.353, hazardous waste shall be sent only to a facility having a valid EPA Identification Number for the treatment, storage, or disposal of those wastes.

(a) If in Massachusetts, the facility shall have at that time:

1. interim status or a valid license issued by the Department pursuant to M.G.L. c. 21C to receive such hazardous waste; or
2. interim status from EPA issued pursuant to 310 CMR 30.099, if required pursuant to § 3006(g) of RCRA; or
3. a valid permit from EPA, if required pursuant to § 3006(g) of RCRA, issued in compliance with 310 CMR 30.800; and
4. complied with 310 CMR 30.512; [or](#)

(b) If in a State other than Massachusetts, the facility shall have at that time:

1. interim status from EPA issued pursuant to 40 CFR Parts 270, or
2. a valid permit issued by EPA pursuant to 40 CFR Part 270, or
3. interim status or a valid permit issued by a State authorized pursuant to 40 CFR Part 271, or

(c) If the facility is in a State other than Massachusetts and if the wastes are not hazardous waste in that State, the facility shall at that time have the authority to receive such waste.

[\(d\) For facilities that reject waste in accordance with 310 CMR 30.533\(6\), the hazardous waste shall be sent as a return shipment, with the generator's permission, to the generator site designated on the manifest to receive the waste.](#)

(2)

(5) Generators of hazardous wastes.....

30.310: The Manifest

310 CMR 30.311 through 30.316, cited collectively as 310 CMR 30.310, establish the general requirements for ~~completing~~ hazardous waste manifests [forms 8700-22](#) and [8700-22A](#) and ~~set forth the particular manifest forms acceptable to the Department as well as the form-specific~~ requirements for manifest completion and distribution.

30.311: General Requirements

(1) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, disposal or use, [must prepare a manifest on EPA form 8700-22, and 8700-22A if necessary, and](#) shall ensure that all required information has been provided in [accordance](#)

with the [Appendix to Part 262--Uniform Hazardous Waste Manifest and Instructions \(EPA Forms 8700-22 and 8700-22A and their Instructions\)](#), as in effect on July 1, 2006, ~~a complete and accurate manner and in compliance with 310 CMR 30.310~~ before the waste is transported off-site. Failure to complete any applicable portion of the manifest in compliance with 310 CMR 30.000 and the [directions-instructions](#) on the manifest shall be a violation of M.G.L. c. 21C and of 310 CMR 30.000.

(2) The generator shall designate on the manifest the primary transporter and all continuing transporters.

(3) The generator shall designate on the manifest one facility to receive the hazardous waste described on the manifest. The designated facility shall meet the requirements of 310 CMR 30.305.

(4) The generator may also designate on the manifest one alternate facility to receive the hazardous waste described on the manifest in the event an emergency prevents delivery of the waste to the primary designated facility. The alternate facility shall meet the requirements of 310 CMR 30.305.

(5) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility, which shall meet the requirements of 310 CMR 30.305, or instruct the transporter to return the waste to the generator. In such a case, the generator shall keep a record of all communications with the transporter regarding what happened to any hazardous waste, which has left the generator's custody or possession. The generator shall promptly submit this record to the Department.

30.312: Form of the Manifest

(1) ~~Unless the use of an alternative form of manifest is allowed pursuant to 310 CMR 30.312(2) through (8), a Large Quantity Generator or Small Quantity Generator~~ A generator shall use the [eight part manifest form prescribed by the Department EPA form 8700-22, and form 8700-22A if necessary](#), in compliance with 310 CMR 30.311 through 30.315, as applicable, and 310 CMR 30.317. ~~Examples of generators subject to 310 CMR 30.313 and 30.314 include but are not limited to:~~

~~(a) Small Quantity Generators and Large Quantity Generators who are shipping quantities of waste oil together with quantities of hazardous waste;~~

~~(b) Generators located outside Massachusetts, who are shipping any wastes regulated as hazardous waste by the state of origin into Massachusetts, if the state of origin requires that waste to travel on a manifest; and~~

~~(c) Generators located outside Massachusetts, who are shipping waste regulated by 310 CMR 30.000 into Massachusetts.~~

~~(2) A Small Quantity Generator operating in compliance with 310 CMR 30.351, or a Very Small Quantity Generator operating in compliance with 310 CMR 30.353, that ships waste off-site for reclamation pursuant to a contractual agreement shall use the two part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.315 instead of the eight part form if such wastes are reclaimed and the material thus reclaimed is returned to the Small Quantity Generator or Very Small Quantity Generator pursuant to a contractual agreement in which:~~

~~(a) the type of waste and frequency of shipments are specified in the agreement; and~~

~~(b) the vehicles used to transport the waste to the recycling facility and to deliver the reclaimed material back to the generator are owned and operated by the person who reclaims the waste.~~

- ~~(3) Generator of waste oil may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 for intrastate shipments instead of the eight part manifest form.~~
- ~~(4) A generator sending waste to a Massachusetts research, demonstration and development facility approved pursuant to 310 CMR 30.863 may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 instead of the eight part manifest form.~~
- ~~(5) A Small Quantity Generator, Large Quantity Generator, or sample collector sending research study samples to a Massachusetts research facility licensed pursuant to 310 CMR 30.864 may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 instead of the eight part manifest form if:~~
- ~~(a) the research study sample is being managed in compliance with 310 CMR 30.104(3)(d)); and~~
- ~~(b) the following materials are returned to the generator or sample collector pursuant to a contractual agreement:~~
- ~~1. any unprocessed as received wastes, and~~
 - ~~2. any non-commodity like hazardous wastes resulting from or remaining after processing such wastes.~~
- ~~(6) A Massachusetts Very Small Quantity Generator of hazardous waste sending hazardous waste to a Massachusetts facility may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 instead of the eight part manifest form.~~
- ~~(7) Generators who are shipping hazardous wastes to a facility located outside of Massachusetts shall use the manifest of the destination state unless:~~
- ~~(a) the destination state does not have a manifest form, in which case, the Massachusetts eight part form shall be used; or~~
- ~~(b) the destination state is within New England, in which case, the generator can use either the Massachusetts form or the form of the destination state.~~
- ~~(8) If a generator uses a form specified by a State other than Massachusetts, the generator shall provide copies of equivalent forms to the Department.~~

30.313: Number and Distribution of Copies for ~~Eight~~Six-part Manifest (EPA form 8700-22)

The manifest shall consist of ~~eight~~six copies, numbered from top to bottom as, respectively, Copy 1, Copy 2, Copy 3, Copy 4, Copy 5, and Copy 6, ~~Copy 7, and Copy 8.~~ TE~~Except as provided at 310 CMR 30.314 and 30.315,~~ these copies shall be signed, distributed, and retained as set forth in 310 CMR 30.313(1) through ~~(96)~~.

(1) Copy ~~8-6~~ shall be: [(bottom copy): "Generator's initial copy"].

- (a) signed by the generator and transporter, and then
- (b) retained by the generator.

(2) Copy ~~7-5~~ shall be: ["Transporter's copy"].

- (a) signed by the generator and transporter, and by either the continuing transporter (if any) or by the facility owner or operator or his designee, and then
- (b) retained by the first transporter. If the hazardous waste is transported by a continuing transporter, said continuing transporter shall:
 1. photocopy Copy 1 of the manifest after the facility owner or operator or his designee has signed it and
 2. retain the photocopy.

~~transmitted by the generator to the Department within ten days of the date the shipment begins.~~

(3) Copy ~~6-4~~ shall be: ["Designated facility's copy"].

(a) signed by the generator, ~~the and transporter(s), and the facility owner or operator or his designee,~~ and then retained by the facility.

~~(b) within ten days of the date the shipment begins, transmitted by the generator to the appropriate agency of the State in which the facility is located. If the facility is located in Massachusetts, the generator shall transmit this copy to the Department.~~

(4) Copy ~~5-3~~ shall be: ["Designated facility to generator"].

~~(a) be signed by the generator, the and transporter(s), and by either the continuing transporter (if any) or by the facility owner or operator or his designee, and then transmitted by the facility to the generator within 14 days]; and~~

~~(b) for shipments by a generator to an out-of-state designated facility, the generator shall submit a photocopy of Copy 3 to the Department within 14 days of receiving the copy from the designated facility.~~

[Request for comment on Department's decision to retain 14 days and to not adopt 30 days, as allowed by EPA. Note: 30 days would conflict with 35-day Exception Reporting timeframe at 310 CMR 30.333.]

~~(b) retained by the first transporter. If the hazardous waste is transported by a continuing transporter, said continuing transporter shall:~~

~~1. photocopy Copy 1 of the manifest after the facility owner or operator or his designee has signed it and~~

~~2. retain the photocopy.~~

(5) Copy ~~4-2~~ shall be: ["Designated facility to generator State (if required)"].

(a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then transmitted by the facility to the appropriate agency of the State where the generator is located. If the generator is located in Massachusetts, the facility shall transmit this copy to the Department, or otherwise the Agency of the generator state, within 14 days of being received by the designated facility. [Request for comment on Department's decision to retain 14 days and to not adopt 30 days, as allowed by EPA.]

~~signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then~~

~~(b) retained by the facility.~~

(6) Copy ~~3-1~~ shall be: [(top copy): "Designated facility to destination State (if required)"]. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then transmitted by the facility to the appropriate agency of the State in which the facility is located. If the facility is located in Massachusetts, the facility shall transmit this copy to the Department, if the facility is located in Massachusetts, within 14 days of the date the shipment is received by the designated facility. [Request for comment on Department's decision to retain 14 days and to not adopt 30 days, as allowed by EPA.]

~~(a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then~~

~~(b) within 14 days of the date the shipment is received by the facility, transmitted by the facility to the generator.~~

~~(c) If a generator sends waste to a facility located outside of Massachusetts and that facility is not required to send a copy of the manifest to the state of origin, the generator shall photocopy a~~

~~fully executed Copy 3 (i.e., the copy of the manifest that the generator receives that is signed by the facility) and send it to the Department within ten days of receiving it from the facility.~~

~~(7) Copy 2 shall be:~~

~~(a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then~~

~~(b) within 14 days of the date the shipment is received by the facility, transmitted by the facility to the appropriate agency of the State in which the generator is located. If the generator is located in Massachusetts, the facility shall transmit this copy to the Department.~~

~~(8) Copy 1 shall be:~~

~~(a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then~~

~~(b) within 14 days of the date the shipment is received by the facility, transmitted by the facility to the appropriate agency of the State in which the facility is located. If the facility is located in Massachusetts, the facility shall transmit this copy to the Department.~~

(97) If a generator sends hazardous waste to a designated facility in an authorized State, which has not yet obtained authorization to regulate that particular waste as hazardous, the generator shall assure that:

(a) any out-of-state transporter signs and forwards the manifest to the designated facility; and

(b) any such facility signs the manifest and forwards copy 3 of the manifest to the generator.

30.314: Use of the Eight part Manifest

~~(1) The generator shall do the following:~~

~~(a) Sign the manifest certification by hand;~~

~~(b) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and~~

~~(c) Retain three copies and distribute as follows:~~

~~1. one copy shall be sent to the Department within ten days of the initiation of the shipment;~~

~~2. another copy shall be sent to the appropriate agency of the destination state, if the facility is located outside of Massachusetts, within ten days of the initiation of the shipment; and~~

~~3. the third copy shall be retained in the generator's records in compliance with 310 CMR~~

~~30.331(1)(a).~~

~~(2) The generator shall give the transporter the remaining copies of the manifest.~~

(38) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator shall send three copies of the manifest, dated and signed in compliance with 310 CMR 30.311 through 30.314, to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water ~~out of the United States~~. Copies of the manifest are not required for each transporter.

(49) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator shall send at least three copies of the manifest, dated and signed in compliance with 310 CMR 30.311 through 30.314, to:

(a) The next non-rail transporter, if any; or

(b) The designated facility, if transported solely by rail; or

(c) The last rail transporter to handle the waste in the United States if exported by rail.

~~(5) The provisions of 310 CMR 30.311 through 30.314 shall apply whenever an eight part manifest is required, and whenever an eight part manifest is used even if not required. However, if only~~

~~nonhazardous wastes are shipped using a hazardous waste manifest, then the generator need not send a copy of the manifest to the Department.~~

30.3154: Two-part Manifest Distribution Requirements for Waste Reclaimed Pursuant to a Contractual Agreement

(1) A generator operating in compliance with 310 CMR 30.300 that ships waste off-site for reclamation pursuant to a contractual agreement shall comply with 310 CMR 30.314 if such wastes are reclaimed and the material thus reclaimed is returned to the generator pursuant to a contractual agreement in which:

- (a) the type of waste and frequency of shipments are specified in the agreement; and
- (b) the vehicles used to transport the waste to the recycling facility and to deliver the reclaimed material back to the generator are owned and operated by the person who reclaims the waste.

~~(42)~~ The manifest shall ~~consist of two copies, numbered from top to bottom as, respectively, Copy 1 and Copy 2. These copies shall~~ be signed, distributed, and retained as follows:

(a) Copy ~~26~~ shall be

1. signed by the generator and transporter, and then
2. retained by the generator in compliance with 310 CMR 30.331(1)(b).

(b) Copy ~~14~~ shall be

1. signed by the generator and the facility owner or operator or his designee, and then
2. retained by the facility.

~~(23)~~ The Department may prescribe a form for recording the information required pursuant to 310 CMR 30.311. If the Department prescribes such a form, it shall be used by the ~~Small Quantity Generator or Very Small Quantity Generator~~ to record such information.

~~(34)~~ The ~~Small Quantity Generator or Very Small Quantity G~~generator shall retain a copy of all information required by 310 CMR 30.311 and the reclamation agreement in compliance with 310 CMR 30.331.

~~(5)~~ The provisions of 310 CMR 30.311, 30.312 and 30.31~~54~~ shall apply whenever a ~~two-part~~ manifest for waste reclaimed pursuant to a contractual agreement is required, and whenever such a manifest is used even if not required.

30.316315: Four-part Manifest Distribution Requirements for Intrastate Shipments of Waste Oil, Very Small Quantity Generators, Wastes Sent to Research Demonstration and Development Facilities, and Research Study Waste, and Intra-state Shipments

(1) The manifest shall consist of four copies, numbered from top to bottom respectively, as Copy 1, Copy 2, Copy 3, and Copy 4. These copies be signed, distributed and retained as set forth in 310 CMR 30.31~~65~~5(1)(a) through (d).

(a) Copy ~~46~~ shall be:

1. signed by the generator and transporter, and then
2. retained by the generator in compliance with the applicable provisions of 310 CMR 30.331(1)(a) or (b).

(b) Copy ~~3-5~~ shall be:

1. signed by the generator and transporter, and by either the continuing transporter (if any) or by the facility owner or operator or his designee, and then
2. retained by the transporter. If the hazardous waste is transported by a continuing transporter, said continuing transporter shall (1) photocopy Copy 1 of the manifest after the facility owner or operator or his designee has signed it and (2) retain the photocopy.

(c) Copy ~~2-4~~ shall be:

1. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
2. retained by the facility.

(d) Copy ~~1-3~~ shall be:

1. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
2. within 14 days of the date of the shipment is received by the facility, transmitted by the facility to the generator.

(e) Either Copy 1 or Copy 2 shall be:

1. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then transmitted by the facility to the appropriate agency of the State where the generator is located. If the generator is located in Massachusetts, the facility shall transmit this copy to the Department within 14 days of the date the shipment is received by the designated facility.

[MassDEP is requesting comment on its plan to retain this state-only timeframe of 14 days.]

~~(2) The Small Quantity Generator and Large Quantity Generator using the four part manifest pursuant to 310 CMR 30.312(3), (4) or (5) shall comply with 310 CMR 30.314(1)(a) and (b), and (2) through (4).~~

~~(3) The provisions of 310 CMR 30.311, 30.312 and 30.316 shall apply whenever a four part manifest for waste oil or research study waste is required, and whenever such a manifest is used even if not required.~~

30.316: Manifest Tracking Numbers, Manifest Printing and Obtaining Manifests

A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so pursuant to 40 CFR 262.21, as in effect on July 1, 2006, which is hereby adopted and incorporated by reference.

30.317: Waste Minimization Certification

A generator who initiates a shipment of hazardous waste must certify to one of the waste minimization certification requirements at 40 CFR 262.27, as in effect on July 1, 2006, which are hereby adopted and incorporated by reference.

30.320: Pre-transport Requirements

30.321: Packaging

Before transporting

30.323: Marking

(1) Before transporting or offering hazardous waste for transportation off-site, the generator shall mark each package of hazardous waste in compliance with the applicable regulations of the DOT, 49 CFR Part 172.

(2) Before transporting hazardous waste or offering hazardous waste for transportation off-site, the generator shall mark each container of 11~~0~~9 gallons or less used in such transportation with the

following words and information displayed in compliance with the requirements of 49 CFR § 172.304.

HAZARDOUS WASTE -Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address _____

Generator's EPA ID Number _____

Manifest ~~Document~~Tracking Number _____

30.324: Placarding

Before transporting hazardous waste or offering hazardous waste for transportation off-site, the generator shall placard, or offer the initial transporter the appropriate placards, in compliance with regulations of the DOT, 49 CFR Part 172, Subpart F.

30.330: Recordkeeping and Reporting

30.331: Recordkeeping

(1) Retention of manifest documents.

(a) Whenever required or whenever used even if not required, the following manifests shall be kept by the generator for three years from the date the waste was accepted by the initial transporter:

1. Copy ~~68~~ of the ~~eight part~~ form referenced in 310 CMR 30.312(1); however, once a fully executed copy 3 is received by the generator, then this copy ~~3~~ shall be kept on file instead of or in addition to the partially executed copy ~~86~~.

~~2. Copy 4 of the four part form referenced in 310 CMR 30.312(3) or (4); however, once a fully executed copy 1 is received by the generator, then this copy 1 shall be kept on file instead of or in addition to the partially executed copy 4.~~

(b) Whenever required or whenever used even if not required, the following manifests shall be kept by the generator for three years after the termination or expiration of the applicable agreement:

1. Copy ~~34~~ of the ~~four part~~ form referenced in 310 CMR 30.31~~52~~, ~~however, once a fully executed copy 1 is received by the generator, then this copy 1 shall be kept on file instead of or in addition to the partially executed copy 4.~~

2. Copy ~~26~~ of the ~~two part~~ form referenced in 310 CMR 31~~24~~(2).

(2) Agreements.

(a) A generator that reclaims wastes pursuant to a contractual agreement and uses a ~~two part manifest~~ form pursuant to 310 CMR 30.31~~42~~(2) shall retain a copy of the reclamation agreement referenced therein for three years after its termination or expiration.

(b) A generator that sends research study samples to a research facility pursuant to a contractual agreement and uses a ~~four part~~ manifest ~~form~~ pursuant to ~~310 CMR 30.312(5)~~ 310 CMR 30.315 shall retain a copy of the agreement referenced therein for three years after its termination or expiration.

(3) A generator shall keep a copy of all reports required pursuant to 310 CMR 30.332 or 310 CMR 30.333 as follows:

- (a) Each Biennial Report shall be kept for a period of at least three years from the due date of the report.
- (b) Each Exception Report shall be kept for a period of at least three years from the due date of the report.
- (4) A generator shall keep records of any test results, waste analyses, or other determinations made in compliance with 310 CMR 30.302 for at least three years from the date that the hazardous waste was last sent to treatment, use, storage, disposal, at or off the site of generation.

30.333: Exception Reporting

- (1) If a generator does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the hazardous waste was accepted by the initial transporter, the generator shall contact the transporter or the owner or operator of the designated facility, or both if necessary, to determine the status of the hazardous waste.
- (2) If a generator does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the hazardous waste was accepted by the initial transporter, the generator shall submit an Exception Report to the Department. If the designated facility is located outside of Massachusetts, the generator shall also submit an Exception Report to the State in which the designated facility is located. The Exception Report shall include the following:
 - (a) A legible copy of the manifest for which the generator does not have confirmation of delivery; and
 - (b) A cover letter signed by the generator or an authorized representative of the generator explaining the efforts taken to locate the hazardous waste and the results of those efforts.

30.334: Additional Reporting

- (1) The Department may.....
- (2) Duty to Provide Information. Any person who has notified or registered with the Department as a Any generator pursuant to 310 CMR 30.061,303(1), or 310 CMR 30.353(5), shall provide the Department, within a reasonable time, any information..... ,,,

30.340: Large Quantity Generators

- (1) A generator who is not a Small Quantity Generator pursuant to 310 CMR 30.351 or a Very Small Quantity Generator pursuant to 310 CMR 30.353 is a Large Quantity Generator.
- (2).....
- (8) A large quantity generator may conduct elementary neutralization.....
- (9) A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 310 CMR 30.533 or 310 CMR 30.099(6)(a) may accumulate the returned waste on-site in accordance with paragraphs 310 CMR 30.340, 30.351 or 30.353, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator shall:
 - (a) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - (b) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

[\[MassDEP requests comment on this section, which allows generators to reset their accumulation clock after receiving a rejected shipment.\]](#)

310 CMR 30.341.....

(1).....

(5)

(6) The period of accumulation begins:

(a) for hazardous waste subject to 310 CMR 30.340(6), on the date which is three days after the applicable limit described in 310 CMR 30.340(6)(c) is reached (i.e., 55 gallons or one quart) or on the date when the container is moved into a centralized accumulation area, whichever comes first;

(b) for hazardous waste received from a VSQG in compliance with 310 CMR 30.353(8); [or hazardous waste received as a rejected load or residue from a designated facility in compliance with 310 CMR 30.340\(9\)](#), on the date the waste was received; and

(c) for all other hazardous wastes, on the date the waste first becomes subject to 310 CMR 30.140(1).

If the applicable date described in the preceding sentence is not marked and labeled, in compliance with 310 CMR 30.341(2), on any tank or container in which such hazardous waste is accumulated, then the period of accumulation of the hazardous waste in that tank or container shall be deemed to have commenced on the date on which that hazardous waste is originally generated or accumulated.

(7) Before the end of the applicable 90 day accumulation period, as described in 310 CMR 30.340(4), or the 180 day accumulation period, as described in 310 CMR 30.340(5), the waste shall be either:

(a) Transported off-site to a facility, or person that meets the criteria of 310 CMR 30.305; or

(b) Transferred to an on-site facility that meets the criteria of 310 CMR 30.305(1)(a)1., 2. or 3., 30.305(4) or 310 CMR 30.305(5).

(8) A Large Quantity Generator who accumulates hazardous waste at the site of generation in excess of the 90 day accumulation period, as described in 310 CMR 30.340(4), or the 180 day accumulation period, as described in 310 CMR 30.340(5), is an operator of a storage facility and shall comply with the requirements of 310 CMR 30.500 through 30.900, or if eligible, the interim status provisions of 310 CMR 30.099.

30.350: Special Generator Requirements

30.351: Small Quantity Generators

(1) Except as provided in 310 CMR 30.353, a generator is a Small Quantity Generator if that generator:

(a)

(2) For the purpose of determining the quantities in 310 CMR 30.351(1):

(a) a generator shall include:

1. all hazardous waste and regulated recyclable material produced on-site (i.e., at the site of generation) unless excluded pursuant to 310 CMR 30.351(2)(b) or (c); ~~and~~
 2. hazardous waste received from off the site of generation including, but not limited to, hazardous waste received from Very Small Quantity Generators pursuant to 310 CMR 30.353(8); ~~and~~
 3. hazardous waste received as a rejected load or residue from a designated facility in compliance with 310 CMR 30.340(9); and
- (b) a generator need not include:
1. hazardous waste not subject to 310 CMR 30.000;
 2. hazardous waste that is managed upon generation in one of the following units and without first being accumulated:
 - a. a wastewater treatment unit; or
 - b. a unit that provides treatment which is an integral part of the manufacturing process;
 3. Class A regulated recyclable material, as defined in 310 CMR 30.212, provided such material is handled in compliance with 310 CMR 30.200;
 4. waste that is universal waste managed in compliance with 310 CMR 30.143(2) and 310 CMR 30.1000;
 5. waste oil and used oil fuels handled in compliance with 310 CMR 30.253 provided such materials are included in dual status calculations. (See 310 CMR 30.253(5)); or
 6. for purposes of establishing compliance with 310 CMR 30.351(1)(b), (d), (f) and (h), hazardous waste located in satellite accumulation areas in compliance with 310 CMR 30.351(4). (A generator shall, however, count all satellite accumulation area wastes towards the generation rate limitations of 310 CMR 30.351(1)(a), (c), (e) and (g). See also 310 CMR 30.351(5)(a)); and
 - (c) a generator, for purposes of establishing compliance with 310 CMR 30.351(1)(a), (c), (e) and (g) only, need not include the following wastes, provided such wastes have already been counted once upon generation:
 1. hazardous waste which is removed from on-site accumulation;
 2. hazardous waste produced by on-site recycling of regulated recyclable material; ~~or~~
 3. spent material that is either a Class B or C regulated recyclable material, provided such material is generated, reclaimed, and subsequently reused at the site of generation; ~~or~~
 4. hazardous waste received as a rejected load or residue from a designated facility in compliance with 310 CMR 30.340(9).
- (3)
- (5) A Small Quantity Generator may accumulate the amounts of hazardous waste stated in 310 CMR 30.351(1) at the site of generation for up to 180 days without having to obtain a storage license from the Department and without having interim status provided that the date when the accumulation period begins shall be clearly marked and labeled, in compliance with 310 CMR 30.341(2), on every tank and container in which hazardous waste is accumulated.
- (a) This 180-day period begins:
1. for hazardous waste subject to 310 CMR 30.351(4), on the date which is three days after the applicable limit described in 310 CMR 30.351(4)(c) (i.e., 55 gallons or one quart) is reached or on the date when the container is moved into a centralized accumulation area, whichever comes first;
 2. for hazardous waste received from a VSQG in compliance with 310 CMR 30.353(8), or hazardous waste received as a rejected load or residue from a designated facility in compliance with 310 CMR 30.340(9), on the date the waste was received;

3. for hazardous waste produced by a generator that no longer satisfies all of the requirements of 310 CMR 30.353(1), on the date the generator first becomes subject to 310 CMR 30.351; and
4. for all other hazardous wastes, on the date the waste first becomes subject to regulation pursuant to 310 CMR 30.140(1).

(b) If the applicable date described in the preceding sentence is not marked and labeled.....

.....

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(7) A generator who generates in any calendar month, or accumulates hazardous waste for any length of time, in amounts exceeding the amounts stated in 310 CMR 30.351(1) is a Large Quantity Generator, and shall comply with 310 CMR 30.303 and with all requirements in 310 CMR 30.000 applicable to Large Quantity Generators.

(8) A Small Quantity Generator shall

(9).....

(10) A Small Quantity Generator shall comply with the following:

(a) 310 CMR 30.301(1), (2) and (3) - Purpose, Scope, and Applicability of Generator regulations.

(b) 310 CMR 30.302 - Determine whether the waste is hazardous.

(c) 310 CMR 30.303 - Requirements governing notification, identification numbers, and change of status requests.

(d) 310 CMR 30.304 and 310 CMR 30.305 - Transfer of hazardous waste.

(e) 310 CMR 30.310 through 30.316 - Manifest Requirements.

(f) 310 CMR 30.331(1), (2), (3)(b), and (4), 30.333, and 30.334 - Recordkeeping and reporting.

(g) 310 CMR 30.352 and 310 CMR 30.361.

(h) 310 CMR 30.001 through 30.100, and 310 CMR 30.605. A Small Quantity Generator should also be aware of the need to comply with the federal land disposal restrictions set forth in 40 CFR part 268.

(i) 310 CMR 30.321 through 30.324 (pre-transport requirements).

(11).....

30.352.....

30.353: Very Small Quantity Generators

(1) A generator is a Very Small Quantity Generator if that generator:

(a) Does not generate in a calendar month a total of 100 kilograms or more.....

(b) Does not accumulate, at any one time, any hazardous waste.....exceeding 1,000 kilograms; and

(c) (e)

(2) For the purpose of determining the quantities in 310 CMR 30.353(1):

(a) a generator shall include

1. all hazardous waste and regulated recyclable material produced on-site (i.e., at the site of generation) unless excluded pursuant to 310 CMR 30.353(2)(b) or (c); and
2. hazardous waste received from off the site of generation including, but not limited to, hazardous waste received from other Very Small Quantity Generators pursuant to 310 CMR 30.353(8) or hazardous waste received as a rejected load or residue from a designated facility in compliance with 310 CMR 30.340(9); and

(b) a generator need not include:

1. hazardous waste not subject to 310 CMR 30.000;
2. hazardous waste that is managed upon generation in one of the following units and without first being accumulated:
 - a. a wastewater treatment unit; or
 - b. a unit that provides treatment which is an integral part of the manufacturing process;
3. Class A regulated recyclable material, as defined in 310 CMR 30.212, provided such material is handled in compliance with 310 CMR 30.200;
4. waste that is universal waste managed in compliance with 310 CMR 30.143(2) and 310 CMR 30.1000; or
5. waste oil and used oil fuels handled in compliance with 310 CMR 30.253 provided such materials are included in dual status calculations. (See 310 CMR 30.253(5)); or
6. for purposes of establishing compliance with 310 CMR 30.353(1)(b), hazardous waste located in satellite accumulation areas in compliance with 310 CMR 30.353(6)(i). (A generator shall, however, count all satellite accumulation area wastes towards the generation rate limitations of 310 CMR 30.353(1)(a); and

(c) a generator, for purposes of establishing compliance with 310 CMR 30.353(1)(a) only, need not include the following wastes, provided such wastes have already been counted once upon generation:

1. hazardous waste which is removed from on-site accumulation;
2. hazardous waste produced by on-site treatment of hazardous waste;
3. hazardous waste produced by on-site recycling of regulated recyclable material; ~~or~~
4. spent material that is either a Class B or C regulated recyclable material, provided such material is generated, reclaimed, and subsequently reused at the site of generation; ~~or~~ 5. hazardous waste received as a rejected load or residue from a designated facility in compliance with 310 CMR 30.340(9).

(3)

(4)

(5)

(6) A Very Small Quantity Generator shall comply with the following:

(a) 310 CMR 30.001 through 30.040

(e) 310 CMR 30.311 ~~(2), 30.316, 30.314(5), 30.315, 30.316(3)~~ as well as, 310 CMR 30.331(1), (2), (3)(b), (4) and 310 CMR 30.333 (provided a manifest is required or otherwise used), and 310 CMR 30.334 - manifesting, recordkeeping and reporting.

(f) 310 CMR 30.351(5)(a)3, 30.352 and 30.361.

(g).....

(i)

(7)

(8) A Very Small Quantity Generator

(9) A Very Small Quantity Generator shall prepare shipping papers if a hazardous waste manifest does not accompany a shipment of hazardous waste. The shipping papers shall identify the generator of the hazardous waste being transported, the quantity and name of the hazardous waste being transported, and the destination to where the hazardous waste is being transported. The Very Small Quantity Generator shall present two copies of the shipping papers together with the hazardous waste being shipped to the person receiving the material. The person receiving that material shall mark the two copies of the shipping papers provided with the date the delivery was accepted. Both the person receiving the material and the Very Small Quantity Generator delivering the material shall sign both copies of the shipping papers to acknowledge acceptance of the materials described. The person receiving the material and the Very Small Quantity Generator delivering the material shall each keep one copy of the signed shipping papers in their records for at least three years after possession of the material is transferred from the Very Small Quantity Generator to the person receiving the material. Such records shall be furnished upon request of, and made available at all reasonable times for inspection by, any duly designated officer, employee, or representative of the Department or of the EPA.

(10) A Very Small Quantity Generator may treat

(11) A Very Small Quantity Generator may recycle

(12) Except as provided in 310 CMR 30.353(7).....

30.360: Special Conditions

30.361: International Shipments

(1) Any person who exports hazardous waste to a destination outside of the United States shall:

(a) Comply with the requirements of 40 CFR 262, Subpart E, as in effect on July 1, ~~2006~~¹⁹⁹⁹, which are hereby adopted and incorporated by reference subject to the following additions, modifications and exceptions:

1. All references to federal hazardous waste regulations are replaced with the corresponding state code analog as shown in Table 30.361:

Table 30.361

Federal Citation	State Analog
[40 CFR] Part 263	310 CMR 30.400
40 CFR 262.58	N/A
40 CFR 260.10	310 CMR 30.010
40 CFR Part 261, Subparts C & D	310 CMR 30.100
[40 CFR] 260.2	310 CMR 3.00
40 CFR 262.20 – 262.23, or 40 CFR Part 262, Subpart B	310 CMR 30.310
[40 CFR] 262.21	310 CMR 30.312(7)
40 CFR 264.72(a)	310 CMR 30.533(1)
40 CFR 262.20(d)	310 CMR 311(5)
40 CFR 263.20(g)(4)	310 CMR 30.405(8)(d)
40 CFR 262.42	310 CMR 30.333
40 CFR 262.41	310 CMR 30.332

~~2. 40 CFR 262.53(a)(2)(iii) is amended by adding the following phrase to the end: "or manifest form prescribed by the Department".~~

~~3. 40 CFR 262.54(e)(second sentence) is revised to read as follows: "If the primary exporter is located within Massachusetts, the primary exporter shall use the eight part form prescribed by the Department."~~

(2) When importing hazardous waste from a foreign country into Massachusetts, the generator shall comply with the federally enforceable import requirements of 40 CFR 262, Subpart F, as in effect on July 1, ~~1999~~2006, which are hereby adopted and incorporated by reference subject to the following additions, modifications and exceptions:

(a) 40 CFR 262.60(a) is hereby modified by substituting the reference to "the requirements of this part" with "310 CMR 30.300"; and

(b) 40 CFR 262.60(b) is hereby modified by substituting the reference to "262.20(a)" with "310 CMR 30.311 through 30.314."

30.401: Purpose and Applicability

(1)

~~(6) Transporters of hazardous waste who accept hazardous waste only from very small quantity generators so that the total amount accepted from all such generators exceeds the amounts set forth in 310 CMR 30.353(1) and (2) shall comply with 310 CMR 30.400, whether or not such shipments are manifested, except that the provisions of 310 CMR 30.403 shall not apply to such transporters.~~

(7)

(8) Transporters of regulated recyclable materials shall transport such materials in compliance with 310 CMR 30.200 or all applicable provisions of 310 CMR 30.000 other than 310 CMR 30.200.

30.404: Delivery of Shipment of Hazardous Waste

(1) A transporter shall deliver the entire quantity of hazardous waste, which that transporter has accepted from a generator or from another transporter to either:

(a) the designated facility listed on the manifest; or

(b) the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility due to an emergency; or

(c) the next transporter designated on the manifest, if any.

(2)(a) If the hazardous waste cannot be delivered in compliance with 310 CMR 30.404(1); and 310 CMR 30.305; because of an emergency condition, then the transporter ~~shall~~must contact the generator for further instructions and shall revise the manifest according to the generator's instructions before resuming transport of the hazardous waste.

(b) If no instructions are received from the generator, the transporter shall return all the hazardous waste to the generator.

(3) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter shall obtain the following:

(a) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking

Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with 310 CMR 30.331(1), and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest shall include all of the information required in 310 CMR 30.533(5)(a)-(f).

(b) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter shall retain a copy of the manifest in accordance with 310 CMR 30.331(1), and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter shall obtain a new manifest for the shipment and comply with 310 CMR 30.533(5)(a)-(f).

[Request for Comment: The Department is seeking comment on how frequently facilities and generators would utilize these rejected shipment provisions. Considering their complex and extensive nature, the Department would consider not adopting this section if rejected shipments are in fact rare.]

30.405: Manifest Requirements

- (1) A transporter shall not accept hazardous waste from a generator or from another transporter unless the hazardous waste is accompanied by a manifest which is signed by the generator and, if applicable, signed by the other transporter in accordance with the requirements of 310 CMR 30.405(2).
- (2) Before accepting or transporting hazardous waste, the transporter shall sign and date the manifest, thereby acknowledging acceptance of the hazardous waste from the generator or other transporter. The first transporter shall return the necessary number of signed copies to the generator before leaving the site of the generator.
- (3) A hazardous waste transporter shall not accept any hazardous waste from a generator or from another transporter if:
 - (a) the hazardous waste is not as described on the manifest, or
 - (b) if the waste is not in containers that are packaged, labelled, and marked in compliance with 310 CMR 30.320 through 30.323.
- (4) The transporter shall ensure that the manifest accompanies the hazardous waste at all times.
- (5) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:
 - (a) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the facility designated on the manifest;
 - (b) Retain one copy of the manifest for three years; and
 - (c) Give the remaining copies of the manifest to the accepting transporter or designated facility.
- (6) The requirements of 310 CMR 30.405(4), (5), and (8) do not apply to the transport of hazardous waste in bulk by water if:
 - (a) The hazardous waste is delivered in bulk by water to the designated facility; and
 - (b) A shipping paper containing all the information required on the manifest, excluding only the EPA identification numbers, generator certification and signatures, accompanies the hazardous waste; and

(c) The person delivering the hazardous waste to the initial bulk shipment water transporter obtains the date of delivery and signature of that water transporter on the manifest and forwards the manifest to the designated facility or subsequent transporter other than a bulk shipment water transporter; and

(d) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

(e) A copy of the shipping paper or manifest is retained by each bulk shipment water transporter.

(7) For shipments involving rail transportation, the requirements of 310 CMR 30.405(4), (5), and (8) do not apply and the following requirements do apply:

(a) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

1. Sign and date the manifest acknowledging acceptance of the hazardous waste;
2. Return a signed copy of the manifest to the non-rail transporter;
3. Forward at least three copies of the manifest to either: the next non-rail transporter, if any; or the designated facility, if the shipment is delivered to that facility by rail; or the last rail transporter designated to handle the waste in the United States; and
4. Retain one copy of the manifest and rail shipping paper in compliance with 310 CMR 30.406.

(b) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest, excluding only the EPA identification numbers, generator certification, and signatures, accompanies the hazardous waste at all times. Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(c) When delivering hazardous waste to the designated facility, a rail transporter shall:

1. Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper if the manifest has not been received by the facility; and
2. Retain a copy of the manifest or signed shipping paper in compliance with 310 CMR 30.406.

(d) When delivering hazardous waste to a non-rail transporter, a rail transporter shall:

1. Obtain the date of delivery and the handwritten signature of the non-rail transporter on the manifest; and
2. Retain a copy of the manifest in compliance with 310 CMR 30.406.

(e) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(8) Transporters who transport hazardous waste out of the United States shall:

(a) Indicate on the manifest the date the hazardous waste left the United States; ~~and~~

(b) Sign ~~and date~~ the manifest in the international shipment block to indicate the date that the shipment left the United States and retain one copy in compliance with 310 CMR 30.406; ~~and~~

(c) Return to the generator a copy of the manifest with the handwritten signature of the owner or operator of the facility or transporter to whom the shipment was delivered-;

(d) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States-; ~~and~~

(e) In the case of exports other than those subject to subpart H of 40 CFR part 262, a transporter shall not accept such waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed by the generator as provided in this section, the transporter shall also be provided with an EPA Acknowledgment of Consent which, except for shipments by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of subpart H of 40 CFR part 262, as in effect on July 1, 2006, a transporter shall not

accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84.

(9) Transporters who own and operate their own vehicles to transport waste to their own recycling facility and deliver the recycled material back to the ~~small-quantity generator or very small-quantity generator~~ who generated it shall use the ~~two-part~~ manifest described in 310 CMR 30.~~315-312~~ and shall comply with the requirements of 310 CMR 30.~~314 and 310 CMR 30.405(1)~~ through (4).

30.406: Record Keeping

(1).....

(4)....

30.407: Reporting

(1) Effective on and after January 1, 1991, all transporters licensed by the Department pursuant to 310 CMR 30.000 shall submit monthly operating reports to the Department no later than the last day of the following month, ~~except for transporters using the two-part manifest described in 310 CMR 30.315~~. Such reports shall be on a machine-readable file in a format prescribed by the Department and shall include, but not be limited to, for each shipment of hazardous waste, the following information:

(a) Generator EPA identification number, name, generator city, generator state, generator zip code, site address;

(b) ~~State manifest document number;~~ Manifest tracking number;

(c) Transporter(s) EPA identification number, transporter(s) state identification number;

(d) Designated facility EPA identification number;

(e) Number of containers, type of containers, total quantity, units, waste number, and handling code, for each waste stream;

(f) Generator certification date, Transporter(s) signature date, continuing transporter(s) signature date(s) as applicable, and designated facility signature date.

(g) Special handling instructions; and

(h) Discrepancy indication.

(2) Wastes in transit at the end of the reporting period shall be reported in the monthly report for the month in which they are delivered to the designated facility or the continuing transporter.

(3) If hazardous waste is transported by a transporter licensed at that time by the Department from a generator to a facility which is licensed at that time by the Department and which is on the site at which that hazardous waste was generated, and if that transporter, generator, and facility owner or operator are the same person, that hazardous waste need not be included in the monthly reports of that transporter.

~~(4) Effective on and after February 1, 1990, transporters using the two-part manifest described in 310 CMR 30.315 and 30.405(9) shall be exempt from 310 CMR 30.407 with respect to the information appearing on such manifests in compliance with said regulations.~~

~~(5) Transporters who are unable to comply with the requirement to submit the monthly operating report on a machine readable file shall apply to the Department for a conditional exemption no later than December 1, 1990. The exemption request shall include the reasons why the transporter is unable to comply. An exemption from this requirement is not granted until the Department approves the request in writing.~~

(64) Transporters who handle no hazardous wastes in a particular month shall submit only a paper monthly report stating that fact to the Department no later than the last day of the following month.

30.408:.....

30.500: MANAGEMENT STANDARDS FOR ALL HAZARDOUS WASTE FACILITIES

30.501: Applicability

(1)

30.502: Submission and Amendment of Plans

(1) The following plans

30.510: General Management Standards for all Facilities

30.511: Identification Number

Every facility owner or operator,

30.516: Personnel Training

30.532: Use of the Manifest System

(1) Upon receipt by a facility of hazardous waste, the owner or operator or his agent shall:

(a) Sign and date each copy of the manifest to certify that the hazardous waste described by the manifest ~~was been~~ received, except as noted in a manifest discrepancy, or if the waste was rejected;

(b) Note on the manifest or in attached documentation any significant discrepancies in the shipment as described in 310 CMR 30.533. The owner or operator of a facility does not need to perform a detailed waste analysis before signing the manifest and giving the transporter his copy; however, 310 CMR 30.533(2) requires the reporting of any unreconciled discrepancy discovered during later analysis.

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within 14 days after the delivery, send a copy of the manifest to the generator; [Request for comment on Department's decision to retain 14 days and to not adopt 30 days, as allowed by EPA.]

(e) Within 14 days after the delivery, send a copy of the manifest to the Department and to the State of origin of the shipment, if not Massachusetts; ~~and~~

(f) Retain at the facility a copy of each manifest for at least three years from the date of receipt of the hazardous waste at the facility-; and

(g) Determine whether the destination state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the destination state or generator state requires the facility to submit any copies of the manifest to these states.

(2) Upon receipt of an unmanifested shipment of hazardous waste, a facility owner or operator shall comply with 310 CMR 30.534.

(3) If a facility receives, from a rail or bulk shipment water transporter, hazardous waste which is accompanied by a manifest or a shipping paper containing all the information required on the manifest, excluding only the EPA identification numbers, generator's certification, and signatures, the owner or operator, or his agent, shall:

- (a) Sign and date each copy of the manifest, or shipping paper ~~is if~~ the manifest has not been received, to certify that the hazardous waste described by the manifest or shipping paper has been received.
- (b) Note any significant discrepancies, as described in 310 CMR 30.533(1), in the manifest, or shipping paper if the manifest has not been received, on each copy of the manifest or shipping paper;
- (c) Immediately give the rail or bulk shipment water transporter at least one copy of the manifest, or shipping paper if the manifest has not been received;
- (d) Within 14 days after receipt of the hazardous waste, send a copy of the signed and dated manifest to the generator. If the manifest has not been received within 14 days after receipt of the hazardous waste, the owner or operator, or his agent, shall send a copy of the shipping paper, signed and dated, to the generator; [Request for comment on Department's decision to retain 14 days and to not adopt 30 days, as allowed by EPA.](#)
- (e) Within 14 days after the receipt of the hazardous waste, send a copy of the manifest, or shipping paper if the manifest has not been received, to the Department and to the State of origin of the shipment, if not Massachusetts; and
- (f) Retain at the facility a copy of the manifest, and the shipping paper if signed in lieu of the manifest at the time of delivery, for at least three years from the date of the receipt of the hazardous waste by the facility.
- (4) Whenever a facility initiates a shipment of hazardous waste or generates hazardous waste, the owner or operator of that facility shall comply with the requirements of 310 CMR 30.300 with respect to that hazardous waste.
- (5) Upon receipt by a facility of hazardous waste on a ~~four-part~~ manifest [distributed in compliance with 310 CMR 30.315](#), the owner or operator or his agent shall comply with 310 CMR 30.532 ~~except for 310 30.532(1)(e) and 30.532(3)(e)~~.
- [\(6\) If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest to the following address within 30 days of delivery: International Compliance Assurance Division, OFA/OECA \(2254A\), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.](#)

30.533: Manifest Discrepancies

- ~~(1) A manifest discrepancy is a difference between the quantity or type of hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility actually received.~~
- ~~(a) A significant discrepancy in quantity is:~~
- ~~1. For bulk waste, a variation greater than 10% in weight or volume; and~~
 - ~~2. For batch waste, any variation in piece count, such as a discrepancy of one drum in a truck load.~~
- ~~(b) A significant discrepancy in type is an obvious difference which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or a toxic constituent not reported on the manifest or shipping paper.~~
- ~~(2) Upon discovering a significant discrepancy, the owner or operator shall attempt, by telephone conversation or otherwise, to reconcile the discrepancy with the generator or transporter. Within 15 days after receipt of the hazardous waste by the facility, the owner or operator shall submit to~~

~~the Department a report describing the discrepancy and all attempts to reconcile it. A copy of the manifest or shipping paper at issue shall accompany this report.~~

(1) Manifest discrepancies are:

- (a) Significant differences, as defined at 310 CMR 30.533(2), between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;
- (b) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or
- (c) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 310 CMR 30.106(2).

(2) Significant differences in quantity are: For bulk waste, variations greater than 10 percent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences, which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid.

(3) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(4)

- (a) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in 310 CMR 30.106(2), the facility shall consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator, which shall sign the manifest for the returned shipment in compliance with 310 CMR 30.340(9)(a) or (b). The facility shall send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.
- (b) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it shall ensure that either the delivering transporter retains custody of the waste, or the facility must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under 310 CMR 30.533(5)-(6).

(5) Except as provided in 310 CMR 30.533(5)(g), for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility shall prepare a new manifest in accordance with 310 CMR 30.311(1) of this chapter and the following instructions:

- (a) Write the generator's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space in Item 5.
- (b) Write the name of the alternate designated facility and the facility's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.
- (c) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

- (d) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a) of this chapter.
- (e) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.
- (f) Sign the Generator's/Offerrer's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.
- (g) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with 310 CMR 30.533(5)(a)-(f).
- (6) Except as provided at 310 CMR 30.533(6)(g), for rejected wastes and residues that are to be sent back to the generator, the facility shall prepare a new manifest in accordance with 310 CMR 30.311(1) of this chapter and the following instructions:
- (a) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.
- (b) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.
- (c) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.
- (d) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).
- (e) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.
- (f) Sign the Generator's/Offerrer's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.
- (g) For full load rejections that are made while the transporter remains at the facility, the facility shall return the shipment to the generator with the original manifest by completing Item 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs 310 CMR 30.533(6)(a)-(f).
- (7) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in 310 CMR 30.106(2) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its

copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall, within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.

30.534: Unmanifested Waste Report

If an unmanifested waste shipment arrives at a facility, the owner or operator shall notify the Department immediately upon the arrival of the shipment.

- (1) If the facility does not accept the shipment, the owner or operator shall instruct the transporter to take no action until that transporter receives specific instructions from the Department.
- (2) If the facility accepts the shipment, the owner or operator shall submit an unmanifested waste report to the Department within 15 days of receipt by the facility of the unmanifested hazardous waste shipment. The report shall be on a form prescribed by the Department and shall include the following information:
 - (a) The EPA identification number, name, and address of the facility;
 - (b) The date the facility received the waste;
 - (c) The EPA identification number, name, and address of the generator and the transporter, if available;
 - (d) A description and the quantity of each unmanifested hazardous waste the facility received;
 - (e) The method of treatment, storage, use or disposal for each unmanifested hazardous waste;
 - (f) A brief explanation, if known to the facility, of why the waste was unmanifested; and
 - (g) The certification required by 310 CMR 30.009, signed by the owner or operator of the facility or his agent.
- (3) Except as provided in 310 CMR 30.535, the provisions of 310 CMR 30.354 shall not apply to hazardous waste generated and transported by a very small quantity generator in compliance with 310 CMR 30.353(1) through (11).

30.535: Waste Generated and Delivered by Very Small Quantity Generators

If a facility receives hazardous waste generated and transported by a very small quantity generator in compliance with 310 CMR 30.353(1) through (11), the owner or operator shall comply with all requirements applicable to him set forth or referred to in 310 CMR 30.353(1) through (11) and need not comply with 310 CMR 30.532 and 30.534 with respect to that hazardous waste. If the hazardous waste is handled pursuant to 310 CMR 30.353(12), the owner or operator of the facility shall comply with 310 CMR 30.532 and 30.534.

30.536: ~~Two-Part~~ Manifest Requirements for Waste Recycled Pursuant to a Contractual Agreement

Upon receipt by a recycling facility of hazardous waste subject to 310 CMR 30.536, as set forth in 310 CMR 30.531, the owner or operator or his agent shall:

- (a) Sign and date each copy of the manifest to certify that the hazardous waste described by the manifest has been received; and

(b) Retain at the facility a copy of each manifest for at least three years from the date of receipt of the hazardous waste at the facility; and

(c) Retain a copy of each manifest in compliance with requirements set forth in 310 CMR 30.543(2) and (3); and

~~(d) Submit to the Department by March 15 of each year, a machine readable file in a format prescribed by the Department the following information for the calendar year ending the preceding December 31:~~

~~1. The vehicle registration number of each vehicle used for each shipment of recyclable materials; and~~

~~2. The information on the two part manifest required by 310 CMR 30.315.~~

7.0 Proposed Miscellaneous Amendments to 310 CMR 30.000

1. The U28 listing at 310 CMR 30.133 is amended as follows:

U028 117-81-7 1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester

2. 310 CMR 30.253 is amended as follows:

30.253: Generator Standards Governing Waste Oil and Used Oil Fuel

(1) All generators of waste oil and all generators of used oil fuel:

(a) shall be subject to 310 CMR 30.301(1) and (2).

(b) shall comply with 310 CMR 30.302.

(c) may sell or otherwise transfer custody or possession of such waste oil only to a transporter in compliance with 310 CMR 30.304.

(d) may sell or otherwise transfer custody or possession of off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222) only to a transporter in compliance with 310 CMR 30.304.

(e) may sell or otherwise transfer such waste oil, or contract to sell or otherwise transfer such waste oil, or cause or allow such waste oil to be transported off the site of generation, only to a facility described in 310 CMR 30.305.

(f) may sell or otherwise transfer off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222), or contract to sell or otherwise transfer off-specification used oil fuel, or cause or allow off-specification used oil fuel to be transported off the site of generation, only to either:

1. a facility described in 310 CMR 30.305, or

2. a facility that has a Class B(3) permit pursuant to ~~310 CMR 30.264~~ or 310 CMR 30.268, or

3. a marketer authorized pursuant to 310 CMR 30.255.

(g) may accumulate or store waste oil or used oil fuel in an underground tank only if the tank is installed, designed, constructed, operated, and monitored in compliance with the applicable requirements of 527 CMR 9.05 and 9.06.

3. 310 CMR 30.354 is amended as follows:

30.354: University Laboratories XL Project – Laboratory Environmental Management Standard

(1) Applicability. The provisions of 310 CMR 30.354 apply to the Universities described in 310 CMR 30.301(5) which:

(a) have laboratories that are covered by a Laboratory Environmental Management Plan and where laboratory scale activities result in laboratory waste (*See*, 40 CFR 262.105 (~~2000~~2006) as adopted and amended at 310 CMR 30.354(2) for definitions of Environmental Management Plan, Laboratory, Laboratory Scale, and Laboratory Waste.); and

(b) operates in compliance with 310 CMR 30.354.

(2) Purpose. The purpose of 310 CMR 30.354 is to provide a framework for a new management system for wastes that are generated in University laboratories as stated in greater detail at 40 CFR 262.101 (20096) which is hereby adopted and incorporated by reference together with the requirements of 40 CFR 262.102 through 262.107 (20096) subject to the following additions, modifications and exceptions:

(a) All references to the University of Vermont as well as its departments, laboratories and accumulation areas are hereby eliminated;

(b) In 262.104, the phrase “facility permitted to handle the waste under 40 CFR part 270 or in interim status under 40 CFR parts 265 and 270 (or authorized to handle the waste by a state with a hazardous waste management program approved under 40 CFR part 271)” is hereby replaced with “facility described in 310 CMR 30.305”;

(c) At 40 CFR 262.104(f), “federal” is hereby replaced with “federal or state”;

(d) Federal citations appearing within Subpart J of 40 CFR 262 are hereby replaced with the corresponding state code provisions:

1. References to “this part” or “this Subpart J” are replaced with “310 CMR 30.354”;

2. References to “40 CFR 261” are replaced with “310 CMR 30.100”;

3. References to “[40 CFR] Sec. 262.10(j)” are replaced with “310 CMR 30.301(5)”;

4. At 262.104(i), references to “40 CFR 263.10(a)” is replaced with “310 CMR 30.401(3)”;

5. At 262.104(i), the reference to “40 CFR 263.30 and 263.31” is replaced with “310 CMR 30.413”; and

6. References to “[40 CFR] Sec. 262.11(a) through (d)” are replaced with “310 CMR 30.302”; and

7. At 40 CFR 262.107, references to “EPA” are substituted with “the Department”.

(3) Duration. The provisions of 310 CMR 30.354 expire on September 30, 200612.

4. 310 CMR 30.401 is amended as follows:

30.400: REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS WASTE

30.401: Purpose and Applicability

(1) 310 CMR 30.401 through 30.499, cited collectively as 310 CMR 30.400, prescribe requirements.....

(2)

(5).....

~~(6) Transporters of hazardous waste who accept hazardous waste only from very small quantity generators so that the total amount accepted from all such generators exceeds the amounts set forth in 310 CMR 30.353(1) and (2) shall comply with 310 CMR 30.400, whether or not such shipments are manifested, except that the provisions of 310 CMR 30.403 shall not apply to such transporters.~~

5. 310 CMR 30.542 is amended as follows:

- (1) The owner or operator shall keep a written operating record at the premises of the facility, and it shall be readily accessible to personnel of the Department and the EPA.
- (2) The following informationwhichever period is longer:
 - (a)
 - (j) Records of each notice and of each certification required of a generator pursuant to ~~310-CMR 30.756(1)~~the federal land disposal restrictions and received by the facility. (See 40 CFR 268.7.)
 - (k) For a facility that treats

6. 310 CMR 30.685 is amended as follows:

- (1) A container holding hazardous waste shall always be closed during storage, except when waste is being added or removed. In the event that Federal, State or local law or regulation requires a container to be vented, the container shall be vented only through devices such as pressure relief valves that satisfy ASTM or fire prevention standards (as opposed to open venting) and only in a manner that does not present a threat to public health, safety, or welfare or the environment.
- (2) A container holding hazardous waste shall not be opened, handled or stored in a manner which may rupture the container or cause it to leak. If containers are stacked, they shall be stacked in a manner that allows the containers to be easily and safely inspected, and pallets shall be used to separate the containers.
- (3) Aisle spacing for container storage of ignitable or reactive hazardous waste shall meet the guidelines set forth in the National Fire Protection Association's Flammable and Combustible Liquids Code (NFPA-30, Chapter 4) 2003 Edition~~as in effect on October 15, 1983.~~

7. 310 CMR 30.853: License Denial, Suspension or Revocation is amended as follows:

- (1) The Department may deny, suspend, or revoke a license for cause at any time if it determines that any term or condition thereof has been violated, that the licensee or applicant has violated any provision of M.G.L. c. 21C, RCRA, or 310 CMR 30.000, or that the licensee or applicant is not competent with respect to the licensed activity. Such action by the Department shall be subject to opportunity for an adjudicatory hearing pursuant to M.G.L. c. 21C and c. 30A, and 310 CMR 1.00. In an adjudicatory proceeding filed pursuant to this section, the issue to be adjudicated shall be whether the Department's decision to deny, suspend or revoke a license was reasonable in light of the particular facts and circumstances before the Department at the time of its decision.

8. 310 CMR 30.901 is amended as follows:

- (1) The requirements of 310 CMR 30.900 shall apply to owners or operators of all hazardous waste facilities, except as provided otherwise in 310 CMR 30.901, or in 310 CMR 30.580 and 30.590, ~~and shall also apply to all persons subject to 310-CMR 30.382~~, except as provided otherwise in 310 CMR 30.901. All documents submitted to the Department for the purpose of demonstrating compliance with 310 CMR 30.900 shall be public records, and no such document shall be deemed to be, or treated as, confidential pursuant to 310 CMR 3.00.

(a) The requirements of 310 CMR 30.905.....

9. 310 CMR 30.1102 is amended as follows:

(1) For wastes and activities that the Department determines are insignificant as a potential hazard to public health, safety, welfare or the environment or are adequately regulated by another government agency, consistent with regulations promulgated under the Resource Conservation and Recovery Act, the Department may grant a generator-person a waiver from any or all of the requirements of 310 CMR 30.0000 that are more stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act.

(2) All generators shall manage hazardous waste in accordance with all applicable provisions of 310 CMR 30.0000, provided however, if the Department issues a written positive waiver determination to a generator, such generator shall comply with all terms and conditions of such determination and all applicable requirements of 310 CMR 30.0000 not expressly waived in such determination.

(3) Any generator-person seeking a waiver of any requirement in 310 CMR 30.0000, not expressly waived by other provisions in 310 CMR 30.0000, shall submit a request for waiver on a form acceptable to the Department and shall include:

(a) The applicant's name, address, and EPA Identification Number or Massachusetts Identification Number;

(b) The name and telephone number of an individual responsible for supervising the waste and/or management activities addressed in the application;

(c) A detailed description of the waste and activity, and the basis for the generator-person's assertion that it is insignificant as a potential hazard to public health, safety, welfare, or the environment, or that it is adequately regulated by another governmental agency consistent with regulations promulgated under the Resource Conservation and Recovery Act;

(d) A description of the proposed method of management, including a description of required equipment;

(e) A statement of each requirement for which a waiver is sought;

(f) A statement of the need and justification for a waiver of hazardous waste requirements, including any supporting tests, studies, or other information; including but not limited to information on the volume, quantity, toxicity, frequency and rate of generation of the waste;

(g) A demonstration that the waiver sought is from a requirement or requirements that are more stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act;

(h) Such other information as the Department may require to determine that the proposed waste management activity will be in compliance with 310 CMR 30.1100 and either will be insignificant as a potential hazard to public health, safety, welfare or the environment or is adequately regulated by another government agency, and that any waiver will not result in the Department's requirements applicable to the generator-person becoming less stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act;

(i) A signature certified pursuant to 310 CMR 30.009; and

(j) If applicable, compliance with, and remittance of any fee established pursuant to, any applicable provision of 310 CMR 4.00.

(4) The burden shall be on the applicant to persuade the Department that the waste or activity is insignificant as a potential hazard to public health, safety, welfare, or the environment or is adequately regulated by another governmental agency, and that the waiver being sought is from a requirement or requirements that are more stringent than and that the post-waiver requirements would not be less stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act.

(5) The Department will notify the applicant of the Department's determination in writing. The Department will consider factors such as the volume, quantity, toxicity, or frequency and rate of generation, and such other criteria, as it deems appropriate for the waste or activity.

(6) A determination pursuant to 310 CMR 30.1102 is only applicable to a ~~generator~~person that has requested and obtained a positive waiver determination from the Department. No waiver may be assigned or transferred without the written approval of the Department.

(7) A determination pursuant to 310 CMR 30.1102 shall apply only to the waste or activity specified in the determination.

(8) The Department may grant a waiver, and may allow a waiver to remain in effect, but only to the extent, and only while, the Department is persuaded that such waste or activity is insignificant as a potential hazard to public health, safety, welfare, or the environment or is adequately regulated by another governmental agency and only if the waiver is from a requirement or requirements that are more stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act.

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